

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JACOB ADONI and HARBOR PARK REALTY, LLC,

Plaintiffs,

2:19-cv-06971-JMA-ARL

-against-

WORLD BUSINESS LENDERS, LLC, AXOS BANK  
f/k/a B-of-I FEDERAL BANK and CIRCADIAN  
FUNDING, LLC,

**DEFENDANT'S NOTICE OF  
MOTION TO DISMISS THE  
AMENDED COMPLAINT**

Defendants.

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MOTION BY: Nicholas P. Giuliano, Esq.  
Giuliano McDonnell & Perrone, LLP  
*Attorneys for Defendant*  
Circadian Funding, LLC  
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DATE and TIME: Pursuant to the Individual Rules of Judge Joan M. Azrack, U.S.D.J.

PLACE: United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722  
Courtroom Room 920

SUPPORTING PAPERS: Declaration of Nicholas P. Giuliano, Esq., dated  
September 3, 2021, the documents referred to  
therein, and the accompanying Memorandum of  
Law, dated September 3, 2021.

RELIEF DEMANDED: Pursuant to Federal Rules of Civil Procedure 12(b)  
and 4, an order dismissing the plaintiffs' amended  
complaint for: (1) failure to serve defendant  
Circadian properly under Federal Rule 4; (2) failure  
to comply with the Court's order regarding retention  
of new counsel, and (3) such other, further, and  
different relief as may be just, proper, and equitable.

ANSWERING PAPERS: Pursuant to scheduling order, September 17, 2021

REPLY PAPERS: Pursuant to scheduling order, September 24, 2021

Dated: Mineola, New York  
September 3, 2021

Giuliano McDonnell & Perrone, LLP  
*Attorneys for Defendant*  
*Circadian Funding, LLC*



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To: All Counsel of Record via ECF